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Admitted Utah State Bar Date: May 5, 1982 Number 3662 - Active
Admitted District of Columbia Bar Date: November 12, 2003 Number 484101 - Active
Citizenship: United States of America
Social Security Number: 529-74-5560

Federal and State Veteran Preference: Preference based on service connected disabilities greater than thirty per cent (30%). Active Duty Service in Afghanistan with award of the Afghanistan Campaign Medal.

Security Clearance: Secret (Active) Top Secret (Eligible)

PROFESSIONAL PROFILE

Talented ATTORNEY with extensive military and civilian legal experience and thorough knowledge of State and Federal statutes, directives, regulations and policies related to a wide range of issues impacting both State and Federal governments, and their respective departments, agencies, commissions, policies, procedures and personnel. Demonstrated mastery of research procedures and sources of information; experienced in FOIA/Privacy Act, legislative and related matters. Frequently called upon to interact with Congressional Members and their staff, high ranking military and civilian political officials both domestically and overseas, to provide briefings, respond to concerns and advocate for courses of action on complex and emerging issues. Outstanding communication skills coupled with ability to exercise sound judgment and thorough knowledge of operations and structure of Executive Branch agencies support an ability to achieve results. Active Secret Clearance.

PROFESSIONAL & MILITARY EXPERIENCE

10/2013 to present. IMMIGRATION SERVICES OFFICER II, Salt Lake Field Office, United States Citizenship and Immigration Services, United States Department of Homeland Security, Salt Lake City, Utah.

IMMIGRATION SERVICES OFFICER, Responsible for the support of the Adjudication process by adjudicating cases, conducting security checks, interviewing applicants and petitioners, ensuring

program quality assurance, conducting training, serving as liaison, and communicating decisions. Duties include: Grant or deny complex and highly sensitive applications and petitions for immigration benefits based on electronic or paper applications/petitions; Independently research, interpret and analyze an extensive spectrum of sources including pertinent sections of the law and regulations, operating instructions, references and guidance contained in legislative history, precedent decisions, state and local laws, international treaties and other legal references to determine the correct course of action; Use electronic systems to process applications and petitions through verification of any number of established data points to make adjudicative decisions and/or determine appropriate level of adjudicative review, and update databases with appropriate information and decisions; Conduct security checks in accordance with all applicable Department of Homeland Security / United States Citizenship and Immigration Services (DHS/USCIS) laws and policies; Provide direct and continuing assistance to US Immigration and Customs Enforcement (ICE) personnel and officials of other Federal agencies in identifying individuals who pose a threat to national and/or public security; Provides quality services to both internal and external customers, through effective liaison with individual attorneys or representatives, attorney groups, community-based organizations, congressional offices, international business groups, representatives of the news media and other government agencies and by writing well-organized, logical, often complex legal decisions, opinions, standard operating procedures, reports, evaluations, presentations, standard statements, and correspondence with an emphasis on the utilization of plain language to ensure maximum understanding of our customers. Identify training needs and mentor newly trained officers while also planning, developing, scheduling and conducting training for existing Adjudications Officers. Interview applicants and petitioners to elicit statements and assess credibility, and analyze information gained to identify facts and considerations that form the basis for the determination as to the applicant's eligibility for specific benefits sought.

03/2012 to 10/2013. CONGRESSIONAL LIAISON SPECIALIST, Office of Legislative Affairs, United States Citizenship and Immigration Services, United States Department of Homeland Security, Washington, District of Columbia.

CONGRESSIONAL LIAISON SPECIALIST, duties include: Conducting congressional liaison activities with the Congress on behalf of U.S. Citizenship and Immigration Services (USCIS). Provide expert technical advice, guidance, and interpretation of immigration law and regulations, policy and procedures, judicial and administrative precedent decisions relating to USCIS, as well as other tri-bureau immigration agencies (Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP)). Responding to written and telephonic congressional inquiries concerning a full range of immigration issues, providing complex technical guidance and expertise on and interpretation of laws and regulations, policy and procedures on highly sensitive and complex legislative, policy or individual casework matters.

05/2011 to present. ADMINISTRATIVE LAW JUDGE, City of South Salt Lake, 220 East Morris Avenue, South Salt Lake City, Utah.

ADMINISTRATIVE LAW JUDGE shall hold administrative hearings for violations of the City Municipal Code and such other matters as specifically designated by ordinance, inclusive of employment matters and traffic violations. Such hearings are intended to be informal in nature and the formal rules of evidence and discovery are relaxed. Hearings may be continued for good cause shown by one of the parties or if the administrative law judge independently determines that due process has not been adequately afforded to a party. An administrative law judge may sign subpoenas for witnesses, documents, and other evidence and assess costs for such subpoena. An administrative law judge may modify civil fees or fines and shall have the authority to reverse or modify the decision of a city official. An administrative law judge shall have continuing jurisdiction

over the subject matter of an administrative hearing for the purposes of: granting a continuance; ordering compliance by issuing an administrative order; ensuring compliance of that order; authorizing the city to enter upon private property to abate a violation; modifying an administrative order; assessing costs of abatement; assessing civil fines; or, where extraordinary circumstances exist, granting a new hearing. An administrative law judge may require a responsible person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the enforcement official handling the matter for the city.

The administrative law judge issues written administrative orders that affirm, rejects or modifies the notice of violation and summons, itemized statement of costs, administrative citations, notice of emergency abatement or other municipal actions. Administrative orders may require a person to cease from violating this code and to take any necessary corrective action; may order the city to enter the property and abate all violations, including the removal of animals in violation of an applicable code requirement. An administrative order may revoke a kennel permit, an animal license, and/or the right to possess animals as provided in the city code. An administrative order may establish specific deadlines for the payment of fees and costs, and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by specified deadlines. Such fees and/or fines may continue to accrue until the responsible person complies with the administrative law judge's decision and corrects the violation. An administrative law judge may schedule subsequent review hearings as may be necessary or as requested by the city to ensure compliance with an administrative order. An administrative law judge may revoke or suspend a business license, a building permit, or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of real property or a structure where a violation is located as provided in this code. An administrative law judge may take any action reasonably necessary to obtain compliance with the applicable city ordinances. An administrative law judge may assess civil fines and costs of abatement and administrative costs to a responsible person.

05/1982 to present. ATTORNEY, Jerold D. McPhee, Attorney at Law, 185 South State Street, Suite 208, Salt Lake City, Utah.

ANALYZE ISSUES AND ADVISED CLIENTS regarding diverse matters and subjects both public and private; and civil and criminal in nature. Analyzed facts and theories for their impact on clients' various interests. *Criminal Justice Act* panel attorney. Qualified to represent indigent defendants charged with capital offenses.

RESEARCH AND ANALYZE legal and individual issues for preparation of trial and appellate documents, including facts and theories and the presentation of scientific and professional information and expert testimony at trial and appeal.

ESTABLISH AND MAINTAIN EFFECTIVE RELATIONSHIPS with a wide range of Courts, administrative bodies and various state and federal enforcement agencies, inclusive of both trial and appellate State and Federal courts, the Administrative Office of United States Courts, the Department of Justice, Federal Bureau of Investigation, Bureau of Prisons, and the United States Marshall's Service, as well as other federal law enforcement agencies and services.

EXTENSIVE APPEARANCES BEFORE BOTH FEDERAL AND STATE COURTS and various state and federal administrative bodies for both civil and criminal hearings, motions, trials and appeals.

WRITING / DRAFTING RECOMMENDATIONS, LITIGATION STRATEGY AND MANAGEMENT through the exercise of sound judgment, knowledge of structure of the

Legislative, Executive and Judicial branches of government and thorough knowledge of Federal and State statutes and regulations; prepared, written, and submitted numerous briefs and memoranda supporting the position of various clients to respective courts, boards and commissions and orally presented and argued the same. Prepared individuals for testimony before courts and administrative bodies; and, advised clients and prepared statements to the media.

KEY ACCOMPLISHMENTS: Consistently sought out as an experienced and seasoned trial and appellate attorney with extensive experience in both civil and criminal matters. Tried more than 30 Federal matters, both civil and criminal, of which, more than 25 were tried to a jury. Tried more than 60 State matters, including civil, domestic, criminal and capital homicide cases. First Branch Chief for the Governance and Justice Branch, Civil Military Operations and Assessments Directorate, Combined Forces Command, Afghanistan, (CFC-A) in Afghanistan; effectively led the Governance and Justice Branch, comprised of both US and coalition staff officers, to higher levels of engagement and capacity building.

ADMITTED TO PRACTICE BEFORE:

Supreme Court of the United States, March, 1992
United States Court of Appeals for the Federal Circuit, October, 1983
United States Court of Appeals for the Tenth Circuit, May, 1982
United States District Court for the District of Utah, May, 1982
United States Army Court of Military Review, June, 1992
Supreme Court of the State of Utah, June, 1982
Court of Appeals for the District of Columbia, November, 2003

ADMISSIONS and LICENSES:

Utah State Bar - Active
Member Number: 3662

District of Columbia Bar - Active
Member Number: 484101

APPOINTMENTS:

- Current Administrative Law Judge, City of South Salt Lake Hearing Office
May 2011 – Present
- Former Administrative Law Judge, West Valley City Municipal Court
July 2013 – June 2014
February 2012 June 2012

Commissioner, City of South Salt Lake Planning Commission
January 2010 – May 2011

Bail Commissioner, 5th Judicial Circuit Court, Salt Lake Department
July 1982 – August 1984

02/1990 to 01/2011. UNITED STATES ARMY RESERVE. Various Judge Advocate and Civil Affairs officer positions including: Trial Counsel; Defense Counsel; Deputy Staff Judge Advocate; Senior Defense Counsel; Special Projects Officer - FOIA/PA Appeals; Senior Project Officer and Officer in Charge, Complex/Sensitive Litigation Support; International Law Officer; Justice and Governance Officer, Rule of Law Officer, and Command Judge

Advocate. Final position, INTERNATIONAL LAW OFFICER (Governance, Democracy, Justice & Rule of Law), 351st Civil Affairs Command, Mountain View, California, United States Army Civil Affairs and Psychological Operations Command (Airborne) (USACAPOC(A)).

PLAN, MANAGE AND EXECUTE LEGAL SPECIALTY section on the full range of complex administrative, legislative and related matters relating to the interpretation of laws, regulations, directives, status, rights, liabilities and duties of personnel to the Commander and deployed subordinate sections on all phases of Army operations, with particular emphasis on International Law, including: Developmental and Comparative Law, Rule of Law, Commercial and Trade Law, Human Rights and Humanitarian Assistance Law, Law of Refugees and Displaced Persons, law governing governmental and non-governmental organizations and activities and the Law of Land Warfare. Analyze and evaluate novel legal issues; use extensive knowledge of operations and structure, Federal statutes, international laws and Department of Defense and Department of the Army regulations, policies and procedures, to provide thorough, timely and expert advice to senior military officers.

DEMONSTRATE MASTERY OF RESEARCH PROCEDURES and sources of information; research complex and novel issues including legislation, Privacy Act/Freedom of Information Act, Federal statutes, and Department of Defense Directives, regulations and policies, international laws, as well as laws governing governmental and nongovernmental organizations and activities. Conduct legal research on complex factual, legal and policy issues. Assemble, correlate and analyze voluminous material. Draw logical conclusions and formulate opinions based on sound legal positions. Review and/or request documentary evidence. Use computer-aided legal research tools such as LexisNexis and Westlaw, among other sources. Develop and support legal theories, appropriately documenting analysis and recommendations.

LEGISLATIVE LIAISON OFFICER assigned to the Pentagon for three years; attended and coordinated with the Army's Crisis Action Team, as well as other Department of the Army staff officers, Joint Staff and other services regarding complex and potentially precedential matters of congressional interest. Coordinated attendance of congressional Members and their staffs to Operational Briefs pertaining to mobilizations, policies, current operations and programs of interest to support forward deployed Army units and Soldiers. Represented the Secretary of the Army as an escort to Members of Congress, their staffs and professional staff members during visits to worldwide military installations and military activities. Frequently had direct interaction with Members of both Houses of the Congress as well as extensive interaction with the professional staffs of both the House and Senate Armed Services Committee and the House Appropriations Committee. Presented the Department's views on controversial and routine matters; responded to complex inquiries, issues and concerns, advocated for policies and provided information of matters of interest, including issues alleging waste, fraud, abuse or mismanagement. Spoke on behalf of the Agency to senior congressional staffers, the Military Departments, Office of the Secretary of Defense and others. Consistently demonstrated subject matter expertise and sound judgment; communications were consistently appropriate for the audience intended. Demonstrated professionalism courtesy and tact on all occasions.

AS LEGISLATIVE LIAISON OFFICER and in other positions, prepare responses to Members of congress, their staff and others, as well as command-level information papers and briefs analyzing political-military activities to determine effects and develop courses of action; strategy papers and orders. Use thorough knowledge of operations and structure of Executive Branch agencies to analyze inquiries, prepare analyses and draft written Information to Members of Congress (IMC) regarding alerts and mobilizations of Army Reserve

and National Guard units and respond directly to Members of Congress, their staffs and committee professional staff members, regarding diverse subjects ranging from reserve component mobilization through base closures and acquisition contracts. Prepare constituent responses to the full spectrum of Army issues including current U.S. Army and Coalition operations, Reserve Component matters, and the deployment of Active and Reserve units, personnel and systems. Identified trends in congressional correspondence. Written materials, including IMC, constituent responses, legal analyses and opinions, are consistent with federal law and Department of Defense regulations, policies and procedures, support mission objectives and exhibit sound analysis and judgment.

CREATIVELY ADDRESS AND SOLVE LEGAL PROBLEMS by applying theories and analysis to new and/or complex fact patterns whose outcomes have the potential for significant impact.

ESTABLISH AND MAINTAIN EFFECTIVE COLLABORATIVE RELATIONSHIPS with a wide range of internal and external customers, civilian and military, as well as domestic and foreign. Routinely interact with senior level military personnel, including General Officers, representatives of the Secretary of Defense and other services, Members of both Houses of the Congress as well as the professional staffs of both the House and Senate Armed Services Committee and the House Appropriations Committee, Inspector Generals, members of Afghan Ministries, among others. Analyze, respond to and explain complex legal and other matters to further US interests.

ASSIGNED AS SPECIAL PROJECTS OFFICER FOR FREEDOM OF INFORMATION AND PRIVACY ACT APPEALS (FOIA/PA) at the Department of the Army, Office of the General Counsel. Administratively reviewed, analyzed and evaluated appeals of initial denials of requests of information submitted pursuant to the FOIA and PA. Examined documents and information and rendered legal determinations as to whether information was appropriately withheld by Initial Denial Authorities (IDA). Rendered sound judgments concerning the acquisition, retention, redacting and release of personal and other information. Coordinated with IDAs at the Major Army Command (MACOM) and Headquarters Department of the Army (HQDA) levels to clarify initial denials and identify potentially releasable information. Drafted legal opinions in response to FOIA/PA appeals in accordance with statutory and regulatory guidelines, and conducted legal research to support legal opinions. Coordinated with IDAs regarding litigation affecting FOIA/PA appeals.

PROVIDED SUPERVISION, OVERSIGHT AND LEADERSHIP AS THE CHIEF, Governance and Justice Branch, Governance and Justice Ministry Engagement Teams, including the engagement of specific Afghan Ministries (Ministries of Justice and Interior) to enhance national capacity and stability in the areas of national and provincial governance and Rule of Law. Provided subject matter expertise in civil-military and political activities as they pertained to the achievement of CFC-A and United States Government strategic objectives. Nominated and executed Commanders Emergency Relief Program (CERP) projects; the prepared and delivered command-level information papers and briefs; analyzed political/military activities to determine effects; developed courses of action; strategy papers and orders; hosted senior level conferences and meetings to achieve politically sensitive objectives.

DIRECTLY SUPERVISED SEVEN ATTORNEYS; mentored them to provide outstanding legal advice and assistance on a wide variety of matters impacting the Department of the Army. Assigned and evaluated work, with an eye toward continual improvements in efficiency and effectiveness. Provided mentoring, coaching, direction and training to both Army subordinates and sister services senior attorneys with widely diverse skill sets; embodied EEO principles and

diversity objectives in all actions.

FULLY QUALIFIED as a United States Army Judge Advocate officer in the grade of Colonel (O6) to provide legal counsel and advice to United States Army, its Boards, Panels, and Commissions and General Courts-Martial Convening Authorities; qualified as a Command or Staff Judge Advocate, a Military Judge, and as either a Senior or Regional Defense Counsel. Fully qualified as a Civil Affairs officer in the grade of Colonel (O6).

SIGNIFICANT US ARMY RESERVE (USAR) ACTIVE DUTY ASSIGNMENTS:

December 2008 – January 2010, 364th Civil Affairs Brigade,
Portland, Oregon, Fort Hunter-Liggett, California, Fort Dix, New Jersey,
Command Judge Advocate,
Rank/Grade Lieutenant Colonel (O5).

February 2006 - February 2007, Combined Forces Command, Afghanistan,
Camp Eggers, Kabul, Afghanistan,
Chief, Governance and Justice Branch, Civil Military Affairs,
Rank/Grade: Lieutenant Colonel (O5).

December 2001 - November 2004, Office of the Chief of Legislative Liaison,
Department of the Army, Pentagon, Arlington, Virginia,
Legislative Liaison Officer,
Rank/Grade: Major (O4).

October 2000 – May 2001, Office of the General Counsel,
Department of the Army, Pentagon, Arlington, Virginia,
Special Project Officer (FOIA and PA Appeals),
Rank/Grade: Major (O4).

October 1999 – September 2000 and
June 2001 – September 2001,
Office of the Deputy General Counsel – Legal Counsel
Department of Defense, Pentagon, Arlington, Virginia,
Senior Project Officer (Litigation Support & Officer in Charge (Litigation Support),
Rank/Grade: Major (O4).

KEY ACCOMPLISHMENTS: Consistently selected for high level, high profile assignment requiring sensitivity as well outstanding research capabilities, subject matter expertise and ability to establish and maintain effective working relationships with congressional staff, military leaders and coalition forces. Successfully and independently responded to more than 300 constituent inquiries. Examined documents and information and rendered more than 200 legal determinations as to whether information was appropriately withheld by Initial Denial Authorities (IDA) under the Privacy and Freedom of Information Acts. First Branch Chief for the Governance and Justice Branch, Civil Military Operations and Assessments Directorate, Combined Forces Command, Afghanistan, (CFC-A) in Afghanistan; effectively led the Governance and Justice Branch, comprised of both US and coalition staff officers, to higher levels of engagement and capacity building.

RELEVANT PROFESSIONAL TRAINING

USCIS Immigration Services Officer Basic Training, 02/2014.
US Army Judge Advocate General's 50th Operational Law Course, 08/2008.
US Army Judge Advocate General's 1st Rule of Law Course, 06/2008.
US Army Civil Affairs Officer Advanced Course, 12/2005.
US Army Command & General Staff Officer Course, 11/2005.
Basic Meditation Course, Utah Alternative Dispute Resolutions, 09/2005.
US Army Judge Advocate Officer Advanced Course, 01/1999.
US Army Judge Advocate Officer Tri-Annual Training, 06/1996.
US Army Judge Advocate Officer Tri-Annual Training, 06/1992.
US Army Judge Advocate General's Corps Environmental Law Course, 09/1991.
US Army Judge Advocate Officer Basic Course, 04/1991.
US Army Field Artillery Operations and Intelligence Specialist Course, 06/1970.

CERTIFICATIONS:

Military Occupational Skill: 27A - Judge Advocate Officer
Additional Skill Identifier: 6K - Civil Affairs Staff Planner

AWARDS AND RECOGNITION

Military Awards:

Bronze Star Medal	Armed Forces Service Medal
Meritorious Service Medal	Army Service Ribbon
Joint Service Commendation Medal	Overseas Service Ribbon (2)
Army Commendation Medal (3)	Army Reserve Overseas Training Ribbon
Army Achievement Medal	North Atlantic Treaty Organization (NATO)
Army Reserve Components Achievement Medal (8)	Medal
National Defense Service Medal (3)	Army General Staff Identification Badge
Afghanistan Campaign Medal	Joint Meritorious Unit Award
Global War on Terrorism Service Medal	Army Meritorious Unit Award
Armed Forces Service Medal	Army Superior Unit Award
Armed Forces Reserve Medal (M Device, Silver Hourglass, Numeral 4)	

Scholastic/Academic Awards:

National Moot Court Competition, First Place, Eighth Annual Giles Sutherland Rich Moot Court Competition, sponsored by the American Intellectual Property Law Association, Washington, D.C., April, 1981.

Writing Competition, Finalist: 43rd Annual Nathan Burkin Memorial Competition, American Society of Composers, Authors and Publishers, (ASCAP), August, 1981.

Recipient, Student Bar Association President's Award, March, 1981

Recipient, Dean Lawrence Prize, American Intellectual Property Law Association, April 1981.

Recipient, C. Edwin Moore Appellate Competition, October, 1981.

EDUCATION

Drake University, Des Moines, Iowa, Doctor of Jurisprudence, Law, December, 1981.

University of Utah, Salt Lake City, Utah, Bachelor of Science, March, 1977.
Anthropology (Cultural), Combined GPA: 3.23 (*Cum Laude*).

University of Utah, Salt Lake City, Utah, Bachelor of Science, March, 1977.
History (American/Japanese), Combined GPA: 3.23 (*Cum Laude*).